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 61 *Apple Inc.*

62 **UNITED STATES DISTRICT COURT**  
 63 **NORTHERN DISTRICT OF CALIFORNIA**  
 64 **OAKLAND DIVISION**

65 EPIC GAMES, INC.,

66 Plaintiff, Counter-defendant,

67 v.

68 APPLE INC.,

69 Defendant, Counterclaimant.

70 Case No. 4:20-CV-05640-YGR-TSH

71 **JOINT STIPULATION AND [PROPOSED]**  
**72 ORDER APPOINTING SPECIAL MASTERS**

73 Courtroom: 1, 4th Floor

74 Judge: Hon. Yvonne Gonzalez Rogers

1 Pursuant to Civil Local Rule 7-12 and Judge Gonzalez Rogers' Order of December 11, 2024  
2 (ECF No. 1070), Plaintiff and Counter-defendant Epic Games, Inc. ("Epic") and Defendant and  
3 Counterclaimant Apple Inc. ("Apple") (collectively, the "Parties"), by and through their respective  
4 counsel, hereby stipulate as follows:

5 WHEREAS, the Court has ordered the appointment of Special Masters to assist the Parties  
6 with a re-review of certain privilege assertions made by Apple (ECF No. 1070);

7 WHEREAS, the Parties have met and conferred and have agreed, subject to Court approval,  
8 to the appointment of the Honorable Wayne Brazil (Ret.) and the Honorable Philip Gutierrez (Ret.)  
9 as Special Masters in this case;

10 WHEREAS, the Parties expect to propose a third Special Master candidate to the Court  
11 promptly;

12 THEREFORE, IT IS STIPULATED AND AGREED that:

13 1. The Honorable Wayne Brazil (Ret.) and the Honorable Philip Gutierrez (Ret.) shall each  
14 cause to be filed a declaration under 28 U.S.C. § 455 confirming that there are no grounds for  
15 disqualification.

16 2. Effective upon the filing of the declarations set forth in paragraph 1, the Honorable Wayne  
17 Brazil (Ret.) and the Honorable Philip Gutierrez (Ret.) are each appointed pursuant to Federal Rule  
18 of Civil Procedure 53 as Special Masters to assist the Parties with all reasonable diligence with the  
19 privilege re-review process described in ECF No. 1068, pursuant to a protocol to be worked out  
20 with the Special Masters.

21 3. Each Special Master's hourly fee shall be his standard hourly rate at Judicial Arbitration  
22 and Mediation Services (JAMS) for this type of work, to be divided equally between the Parties.

1 Dated: December 12, 2024

Respectfully submitted,

2 By: /s/ Yonatan Even  
3

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21 *Attorneys for Plaintiff and Counter-defendant  
Epic Games, Inc.*

1 Dated: December 12, 2024

Respectfully submitted,

2 By: /s/ Mark A. Perry

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22 *Attorneys for Defendant and Counterclaimant*  
23 APPLE INC.

1 **PURSUANT TO THE FOREGOING STIPULATION AND GOOD CAUSE APPEARING,**  
2 **IT IS SO ORDERED.**

3 Dated: \_\_\_\_\_

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5 HON. YVONNE GONZALEZ ROGERS  
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1 **E-FILING ATTESTATION**

2 I, Yonatan Even, am the ECF User whose ID and password are being used to file this  
3 document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that each of the  
4 signatories identified above has concurred in this filing.

5 */s/ Yonatan Even*  
6 Yonatan Even

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